

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ESTATE OF RANDOLPH TYLER, by and
through Kevin Floyd, Administrator,
Plaintiff,**

v.

**BETH GROSSMAN; CLARENCE
DUPREE; OFFICE OF PHILADELPHIA
DISTRICT ATTORNEY; CITY AND
COUNTY OF PHILADELPHIA,
Defendants.**

CIVIL ACTION

NO. 14-4967

ORDER

AND NOW, this 11th day of June, 2015, upon consideration of Defendants Beth Grossman, Clarence Dupree, and Office of Philadelphia District Attorney's Motion to Dismiss [ECF No. 7]; Plaintiff Estate of Randolph Tyler's response in opposition thereto [ECF No. 8]; Defendant City and County of Philadelphia's Motion for Judgment on the Pleadings [ECF No. 14]; the Plaintiff's response in opposition thereto [ECF No. 15]; the parties' supplemental briefs [ECF Nos. 21 & 23]; and oral argument held on April 7, 2015, and for the reasons provided in the Court's Opinion of June 11, 2015 [ECF No. 29], **IT IS ORDERED** that:

- (1) the motion to dismiss all claims against Defendant Office of Philadelphia District Attorney is **GRANTED**; the claims against the Office of Philadelphia District Attorney are **DISMISSED WITH PREJUDICE**;
- (2) the motion to dismiss all claims against Defendants Beth Grossman and Clarence Dupree in their official capacities is **GRANTED**; all official-capacity claims against these Defendants are **DISMISSED WITH PREJUDICE**;
- (3) the motion to dismiss all claims against Defendant Clarence Dupree in his individual capacity based on absolute prosecutorial immunity is **GRANTED IN PART**; to the extent any claims are based on Dupree's alleged failure to either provide notice or serve process in the civil forfeiture proceeding, he is immune from suit on those grounds and those claims are **DISMISSED WITH PREJUDICE**;

- (4) the motion to dismiss all claims against Defendant Beth Grossman in her individual capacity based on absolute prosecutorial immunity is **GRANTED IN PART**; to the extent any claims are based on Grossman's supervision of Defendant Dupree's alleged failure to either provide notice or serve process in the civil forfeiture proceeding, she is immune from suit on those grounds and those claims are **DISMISSED WITH PREJUDICE**.
- (5) the motion to dismiss all supervisory claims against Defendant Beth Grossman in Count II of the Complaint is **GRANTED**; all claims against Grossman in Count II are **DISMISSED WITH PREJUDICE**;
- (6) the motion to dismiss is otherwise **DENIED**;
- (7) the City and County of Philadelphia's motion for judgment on the pleadings is **DENIED**; and
- (8) the Plaintiff shall be granted to leave to file an Amended Complaint by June 22, 2015.

BY THE COURT:

/S/WENDY BEETLESTONE, J.

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